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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/851,877	05/06/97	SHELL S	MS1-161US

022801 LMC1/0509
LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE WA 99201

EXAMINER	
JUNG, D	
ART UNIT	**PAPER NUMBER**
2771	10

DATE MAILED: 05/09/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
08/851,877	Shell et al.
Examiner	**Group Art Unit**
David Jung	2771

☒ Responsive to communication(s) filed on *Mar 31, 2000* .

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-24* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-24* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Response to Amendment

1. Pages 1-9 of the amendment are devoted to amending the claims 1-16 and adding claims 17-24. Yet, at page 9, the amendment states that the new claims are not to interpreted in any way differently from the old claims: "without affecting the scope of protection of the claims." Thus, in accordance with the wishes of the Aplicant, claims 1-16 are interpreted exactly as same as in the previous Office Action; this Office Action almost exactly duplicates the rejections of the previous Office Action.

2. What is "content?" A large fraction of the outstanding amendment (pages 10-17) is devoted to arguing that the prior art does not teach the display of "content" as in the claimed invention. Yet, if something is displayed, then what is displayed if not "content" of that which is displayed? The new amendments cannot be of any help in limiting the meaning of this "content" because the amendment (at page 9) explicitly asks that the amended claims are to be interpreted exactly same as the old claims - the amendments of claims having been stated to be "without affecting the scope of protection of the claims." Thus, the new arguments introduce more ambiguities into the meaning of the claims. For the purposes of analysis under 35 USC 103 in this Office Action, in accordance with the wishes of the Aplicant as noted at page 9 of the amendment, claims 1-16 are interpreted exactly as same as in the previous Office Action.

3. The outstanding Amendment repeats some of the arguments in the previous Amendment: Applicant argues that Blonder et al. does not teach "an indicator in an area of the viewing area." Thus, an observation is repeated: If so (if Blonder et al. does not teach such a feature), Knowlton et al. should cure this problem. Knowlton et al. teaches Graphic Icon 144 which is "an indicator in an area of the viewing area."

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blonder et al. (US Patent 5,760,771) and Knowlton et al. (US Patent 5,8975,692). Claims 1, 5, 11 are the independent claims; other claims are the dependent claims.

In regard to claim 1, Blonder et al. teaches "A hypermedia browser ... computer-readable medium for execution on an information processing device .... wherein the ... browser has a content viewing area and is configured to display a temporary graphic element ... during times when the browser is loading content..." as in claim 1 except for the "limited display area." See Abstract. Note the browser. Note that this browser using an information processing device. See

especially column 3, lines 26-42. Note the padding. Note how the padding is "configured to display a temporary graphic element ... during times when the browser is loading content." See also column 7, lines 45-49.

Knowlton et al. teaches the "limited display area" and "partially obstruct content" for the purpose of displaying more than one item. See Abstract. See column 26, lines 20-64, especially lines 60-64. Notice how Engine 138 displays temporary representation of Graphical icon 144. Note particularly this temporary graphical element (representation). Notice how the graphical icon covers the viwing area[1]. Notice also the use of Windows. Such windowing features of Windows teaches limited display area. See also column 42, lines 30-34. Knowlton et al. teaches browsers and and the loading of material through the Web. See column 1, lin 35 to column 2, line 18 which discusses the general background of the Web displaying (such as by using the browser).

It would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine Blonder et al. with Knowlton et al. for the purpose of displaying more than one item.

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[1]That this is "an indicator in the content viewing area" is more particularly stated at column 2, lines 2-30. The passage particularly discusses "graphicallly based indexing of files" using visual links. As noted in a yet later part of column 2 (lines 60-65), each visual link preferably may include the graphical icon providing a displayable image representing the corresponding location and a visual link data set.

In regard to claims 2, 5, such animation is suggested by Blonder et al. See column 2, lines 62-65 of Blonder et al.

In regard to claim 3, such use of corner is a well known feature of Windows windowing amd graphical icons, such as mentioned in Knowlton et al. See column 26, lines 60-64.

In regard to claims 4, 5, such use of windowing is taught by Knowlton et al. See icon 144 of Figure 2A..

In regard to claims 6-10, claims 6-10 are information processing device analogs to claims 1-5. For the reasons stated in the rejections of claims 1-5, claims 6-10 are not patentable.

In regard to claims 11-15, claims 11-15 are method analogs to claims 1-5. For the reasons stated in the rejections of claims 1-5, claims 11-15 are not patentable.

In regard to claim 16, such computer readable storage medium are well known in the art of computers for the purpose of keeping data ready for reading and for execution.

In regard to claims 17-24, these claims are of similiar scope to claims 1-16[2]. For the reasons stated in the rejections of claims 1-16, claims 17-24 are not patentable.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection - because of new claims - presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See

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[2]That (these claims being of similiar scope to claims 1-16) is explicitly stated at pages 13-14 of the amendment of 3/31/2000 itself.

MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-9731 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (703) 308-5262 or Thomas Black whose telephone number is (703) 305-9707.

DJ

May 6, 2000

THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 2700